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7 *Attorneys for Christina Lovato, Trustee*

8  
 9 **UNITED STATES BANKRUPTCY COURT**

10 **DISTRICT OF NEVADA**

11 In re  
 12 META MATERIALS INC.,  
 13 Debtor.

Case No.: 24-50792-hlb  
(Chapter 7)

14  
 15 **EX PARTE MOTION FOR ORDER**  
**REQUIRING CUSTODIAN OF**  
**RECORDS FOR THE NASDAQ STOCK**  
**MARKET LLC TO APPEAR FOR**  
**EXAMINATION PURSUANT TO**  
**F.R.BANKR.P. 2004 AND TO PRODUCE**  
**RECORDS**

16  
 17 Hearing Date: N/A  
 18 Hearing Time: N/A

19  
 20 Pursuant to Federal Rule of Bankruptcy Procedure 2004 and Local Rule 2004, Christina  
 21 Lovato, Chapter 7 Trustee for the Estate of Meta Materials Inc. (“Trustee”), by and through her  
 22 undersigned counsel, respectfully applies to this Court for an *Ex Parte* Order requiring the  
 23 Custodian of Records of The Nasdaq Stock Market LLC (“Nasdaq”), to appear as set forth in a  
 24 subpoena to be issued pursuant to Federal Rule of Bankruptcy Procedure 9016, at a time, place  
 25 and date to be mutually agreed upon by the parties, or if no such agreement is reached, upon no  
 26 less than fourteen (14) calendar days written notice by the Trustee for examination, regarding the  
 27 Debtor’s assets, liabilities, and financial condition.

28 This Motion is supported by the following Memorandum of Points and Authorities.

DATED this 6th day of March, 2025.

ROBISON, SHARP, SULLIVAN & BRUST  
71 Washington Street  
Reno, NV 89503

/s/ Clayton P. Brust  
KENT R. ROBISON, ESQ.  
CLAYTON P. BRUST, ESQ.  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

F.R.Bankr.P. 2004 provides, in relevant part, that upon motion of any party in interest, the court may order the examination of the debtor or any other entity regarding the acts, conduct, property, liabilities and financial conditions of the debtor, or any other matter which affects the administration of the debtor's estate or the debtor's right to a discharge. Rule 2004 further provides that production of documents may be compelled at this examination.

The Trustee seeks to conduct oral examination relating to the Debtors' assets, liabilities, and financial affairs to ascertain the facts and circumstances surrounding potential manipulation of Debtor's share prices from September 21, 2020 through August 7, 2024, and how the manipulation affected Debtor's financial condition for possible recovery on behalf of Debtor's estate. The Trustee also seeks to compel production of the following documents from Nasdaq (all documents of which are for the time frame of September 21, 2020 through August 7, 2024, and in respect to Meta, MMTLP, or other CUSIPs or legend identifiers pertaining to Meta or MMTLP):

1. All messages relating to the processing of orders of any type for shares Meta and/or MMTLP using FIX or binary protocol or any other protocol used for similar purposes, in the original format the data was saved, including but not limited to client's MPID and short indicator marking, received by Nasdaq from a client broker-dealer of Nasdaq and sent by Nasdaq to a client broker-dealer of Nasdaq.

The requested discovery from the Custodian of Records of Nasdaq is well within the scope of examination permitted under F.R.Bankr.P. 2004, which includes:

[t]he acts, conduct, or property or ... the liabilities and financial condition of the debtors, or ... any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. In a ...reorganization case under chapter 11 of the Code, ... the examination may also relate to the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefore, and any other matter relevant to the case or to the formulation of a plan.

WHEREFORE, the Trustee respectfully requests that this Court enter its Order authorizing the examination of the Custodian of Records of Nasdaq, as described herein. A proposed Order is attached as **Exhibit 1**.

DATED this 6th day of March, 2025.

ROBISON, SHARP, SULLIVAN & BRUST  
71 Washington Street  
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/s/ Clayton P. Brust  
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*Attorneys for Christina Lovato, Trustee*

# **EXHIBIT 1**

# **EXHIBIT 1**

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re  
META MATERIALS INC.,  
Debtor.

Case No.: 24-50792-hlb  
(Chapter 7)

**[PROPOSED] ORDER GRANTING EX PARTE MOTION FOR ORDER REQUIRING CUSTODIAN OF RECORDS FOR THE NASDAQ STOCK MARKET LLC TO APPEAR FOR EXAMINATION PURSUANT TO F.R.BANKR.P. 2004**

Hearing Date: N/A  
Hearing Time: N/A

This Court having reviewed the *Ex Parte Motion For Order Requiring Custodian Of Records For The Nasdaq Stock Market LLC to Appear for Examination Pursuant to F.R.Bankr.P. 2004* (the “Motion”) submitted by Christina Lovato, the Chapter 7 Trustee, and for good cause appearing;

**IT IS HEREBY ORDERED** that the Motion is GRANTED; and

**IT IS FURTHER ORDERED** that the Custodian of Records of The Nasdaq Stock Market LLC, through an appropriate designee(s) shall appear for examination regarding the Debtor’s assets, liabilities, and financial condition, before a certified court reporter at a time, place and date to be mutually agreed upon by the parties, or if no such agreement is reached, upon no less than fourteen (14) calendar days written notice by the Trustee for examination; and

**IT IS FURTHER ORDERED** that oral examination shall continue from day to day, as

1 necessary.

2 **IT IS FURTHER ORDERED** that The Nasdaq Stock Market LLC shall produce the  
3 following documents (time range from September 21, 2020 through August 7, 2024, and in respect  
4 to Meta, MMTLP, or other CUSIPs or legend identifiers pertaining to Meta or MMTLP):

5       1. All messages relating to the processing of orders of any type for shares Meta  
6           and/or MMTLP using FIX or binary protocol or any other protocol used for  
7           similar purposes, in the original format the data was saved, including but not  
8           limited to client's MPID and short indicator marking, received by Nasdaq from a  
9           client broker-dealer of Nasdaq and sent by Nasdaq to a client broker-dealer of  
10           Nasdaq.

11  
12 Respectfully Submitted By:

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14       \_\_\_\_\_  
15       /s/ *Clayton P. Brust*  
16       Kent R. Robison, Esq. – NSB #1167  
17       Clayton P. Brust, Esq. – NSB #5234  
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27  
28       *Attorneys for Christina Lovato, Trustee*